

REMARKS

Special Status

This application was filed on April 25, 2001 and claims the benefit of a provisional application filed on April 25, 2000. Accordingly, the application has had an effective pendency of well over five years. It is therefore entitled to special status consistent with MPEP 708.01.

Applicant expects that, consistent with MPEP 707.02, this application will be carefully studied by the supervisory patent examiner and that every effort will be made to terminate its prosecution.

Section 102 rejection of claim 1

In rejecting the claims based on *Orlen*, the Office appears to have come full circle. *Orlen* has been of record since 2002, when it was identified in a PCT search report. In fact, the Office already considered *Orlen* in the first office action in 2004.

Since then, further limitations have been added to claim 1. It is therefore unclear why, if the Office did not consider *Orlen* to anticipate claim 1 at the time of the first office action, it now considers it to anticipate claim 1 with its added limitations.

Orlen fails to disclose providing to the mobile processing system “data *previously requested* by said mobile processing system prior to entry of said mobile processing system into *said* information portal.”

As best understood, the Office considers the claimed stationary transceivers to be met by transceivers 12, 14, 16, 18 in FIG. 1 of *Orlen*, and the claimed local server to be met by the network control center 32 in FIG. 1 of *Orlen*.

In FIG. 2, *Orlen* discloses a telephone that displays a map of nearby cells. The cell that is currently in communication with the telephone (i.e. cell 104) is highlighted.¹ By using a keypad

¹ *Orlen*, col. 4, line 49 - col. 5, line 4.

to specify a cell, the user retrieves information local to that cell.² Examples of such local information are shown in *Orlen*'s FIG. 3.³

A user inside cell 104 who keys in cell 102 has requested information prior to entering cell 102. It is also true that the network control center 32 responds to entry of the telephone into the cell 104.

However, claim 1 recites (with paragraphs numbered to facilitate discussion):

a local server in communication with said transceiver, said local server being configured

[1] to respond to entry of a mobile processing-system present within
said information portal, and

[2] to provide, to said mobile processing system, data previously
requested for said mobile processing system prior to entry of said
mobile processing system into *said information portal*.

Orlen fails to anticipate this claim because the information portal in paragraph [1] must be *the same portal* as that in paragraph [2].

Orlen fails to teach a network control center 32 sending data to a telephone in cell 104 that was requested prior to entry of that telephone into the *same cell* 104. In *Orlen*, the data was requested while the telephone was *already* in cell 104. What *Orlen* discloses is the network control center 32 providing data to a telephone in cell 104 with that data having been requested *after* entry into cell 104, not "*prior to entry*" into cell 104.

By way of analogy, a traveler might call a hotel in advance to request that upon checking into that hotel, he be immediately provided with a local newspaper. This is quite different from

² *Orlen*, col. 4, lines 5-10.

³ *Orlen*, col. 4, lines 11-49.

receiving a delivery of the same local newspaper without having reached, and indeed without ever having to even visit, the hotel.

Referring back to the specific language of claim 1, the network control center 32 responds to entry of the mobile processing system within "information portal" 104. This is consistent with paragraph [1] of claim 1.

When the caller selects cell 102, he is in fact requesting information "prior to entry" into "information portal" 102. This is consistent with paragraph [2].

The flaw in the section 102 rejection is that "information portal" 104 is not the same as "information portal" 102. Hence, according to the Office's interpretation, paragraphs [1] and [2] are no longer consistent with each other.

Since *Orlen* fails to disclose each and every claim limitation, Applicant requests reconsideration and withdrawal of the section 102 rejection of claim 1.

Claim 20 recites limitations similar to claim 1 and is allowable for at least the same reasons.

Claims 7-18 all depend on claim 1 and are allowable for at least the same reasons.

Section 102 rejection of claim 19

Claim 19 recite limitations similar to claim 1 and is patentable for at least the same reason. However, claim 19 also recites a server system that has "a link to a global computer network."

The Office appears to regard terminal 40 as being a global computer network, or at least a computer in communication with a global computer network.

There is no disclosure in *Orlen* that the terminal 40 is in communication with a global computer network. As best understood, the terminal 40 is used only for data entry of local information into the network control center 32.⁴

In addition, claim 19 requires that any "link to a global computer network" be one that provides the mobile processing systems with "wireless access to said global computer network."

There is nothing in *Orlen* suggesting that cell phones 20-24 have wireless access to anything but the network control center 32.

Accordingly, the section 102 rejection of claim 19 is improper because *Orlen* fails to disclose each and every limitation of the claim.

Section 102 rejection of claim 2

Claim 2 recites having a local server that either provides building access or controls an elevator in a building.

The Office apparently considers the text at *Orlen* column 9, lines 3-37 as disclosing controlling building access or controlling an elevator.

Applicant is puzzled by this interpretation of the cited text. The "keys" referred to in the cited text are simply keys one presses on a keypad 602 (see *Orlen*, FIG. 7), not keys that provide building access. The "levels" referred to in the cited text refer to levels of a menu hierarchy, not to levels of a building that one might reach by elevator. The passage "cursor keys 632 and 634 enable movement up and down"⁵ refers to pressing keys on the hinged keypad cover 628 shown in FIG. 7 to move up and down within a menu displaced on an LCD display 630. It has nothing to do with inserting a key into an elevator to move up and down.

⁴ *Orlen*, beginning at col. 3, line 60.

⁵ *Orlen*, col. 9, lines 22-23.

Applicant submits that *Orlen* has been significantly misunderstood and that there is nothing in *Orlen* that refers to controlling either building access or elevators. Accordingly, the section 102 rejection is improper.

Claim 6 depends on claim 2 and is allowable for at least the same reasons, as well as reasons set forth below.

Section 102 rejection of claim 6

The Office apparently considers claim 6's "access control unit" to be disclosed in *Orlen* col. 3, lines 13-34.

The cited text discusses radiotelephones, the network control center 32, and base stations 12, 14, 16, 18. The network control center 32 has already been assigned to be the claimed "local server." Each base station 12, 14, 16, 18 has already been assigned to be a claimed "stationary transceiver." Each radiotelephone has already been assigned to be a claimed "mobile-processing system." It is therefore unclear what remains in the cited passage of *Orlen* that one might construe as an "access control unit" that is both (1) in communication with the network control center 32 and (2) controlled on the basis of an identity of a radiotelephone.

Section 102 rejection of claim 8

Claim 8 recites the additional limitation that the stationary transceiver be disposed in either an elevator, a building lobby, or a vehicle.

The cited text at column 9, lines 3-37 does not discuss the locations of the base station 12, 14, 16, 18 other than that the base stations are located in different geographic areas. It is difficult to see how one can conclude from this that a base station 12 is, for example, in an elevator. Certainly, two base stations 12, 14 can be in "different geographic areas" without one having to be in an elevator.

Accordingly, the section 102 rejection of claim 8 is improper and should be withdrawn.

Section 102 rejection of claims 9 and 10

Claim 9 recites the additional limitation that “said local server and said stationary transceiver are in communication across a local area network.” The Office has already indicated that claim 1’s “local server” is the *Orlen* network control center 32 and that claim 1’s “stationary transceiver” is one of the transceivers 12, 14, 16, 18 in FIG. 1 of *Orlen*.

According to FIG. 1, the network control center 32 and the transceivers 12, 14, 16, 18 are in communication over the PSTN 30. But the PSTN is not a “local area network” as recited in claim 9. It is a public switched telephone network.⁶

The cited text at column 5, lines 11-28 essentially states that cordless telephones provide wireless access to the telephone network 30. There is no discussion in the cited text or in FIG. 3 about how the network control center 32 communicates with the transceivers 12-18. In particular, there is nothing to contradict FIG. 1’s representation of the transceivers 12-18 and the network control center 32 as being in communication through the PSTN 30 rather than “across a local area network.”

It is apparent that the section 102 rejection of claim 9 is improper because *Orlen* fails to disclose each and every limitation of claim 9.

Claim 10 is identical to claim 9 except for the additional limitation of wireless communication between the local server and the stationary transceiver. The section 102 rejection of claim 10 is therefore improper for the same reasons discussed above.

Section 102 rejection of claim 11

Claim 11 recites the additional limitation of a “fulfillment server” that is in communication with the “local server.” Since the claimed “local server” is deemed to correspond to the network control center 32, whatever structure corresponds to the claimed “fulfillment server” ought to be in communication with the network control center 32 shown in *Orlen* FIG. 1.

⁶ *Orlen*, col. 2, lines 54-55.

According to FIG. 1, the only structures in communication with the network control center 32 are: (1) the PSTN 30; (2) a modem 42; (3) an ISDN 44; and (4) a paging transmitter 46. None of these devices could reasonably be characterized as a server, much less a "fulfillment server." Moreover, none of these above four devices have "access to a wide area network" as recited in claim 10.

The cited text merely describes the way data is entered into the network control center 32 and later distributed to all the transceivers 12-18. There is nothing in the cited text to suggest a fulfillment server that: (1) is in communication with the network control center 32; and (2) has "access to a wide area network."

It is apparent therefore that the section 102 rejection of claim 11 is improper.

Section 102 rejection of claim 12

The section 102 rejection of claim 12 leaves Applicant more confused than ever. The Office's remark suggests that a cache is inherent in the data-entry terminal 40. Since claim 12 says "said local server comprises a cache," it must follow that the Office regards the terminal 40 as the claimed "local server." But as is obvious from FIG. 1, the terminal 40 is not even in communication with any transceiver 12, 14, 16, 18 as required by claim 1.

Moreover, if the terminal 40 is deemed to be a "local server," then it ought to be in communication with a "fulfillment server" so that it can temporarily accumulate information to be relayed to the telephones 20-24. But there is no fulfillment server shown in FIG. 1. Nor is anything like a fulfillment server disclosed in the specification.

Applicant requests that the Office precisely identify which structures in *Orlen* are deemed to correspond to the various claim elements. This will eliminate the need for Applicant to guess what the Office intends and will thereby accelerate the prosecution of this application, the pendency of which has already consumed 30% of its twenty year term.

Section 102 rejection of claim 13

Claim 13 recites a wide area network that includes the global computer network.

The Office cites the same text as was cited in claim 12. But nothing in that text suggests the existence of a global computer network.

Section 102 rejection of claim 14

Claim 14 recites the additional limitation of a user-interface for the fulfillment server. According to the Office, the keypad on the radiotelephones in *Orlen*, as discussed in the cited text, amount to such a user interface.

However, the keypad in the cited text is a user interface of the radiotelephone, not a fulfillment server.

In addition, unless the Office is now proposing that the radiotelephones are now fulfillment servers, there appears to be no structure in *Orlen* to correspond to a fulfillment server.

Claims 15-18 all depend on claim 14 and are allowable for at least the same reasons.

Summary

That Applicant has advanced only certain grounds for patentability of the claims is not to be construed as an admission that no other grounds exist.

Now pending in this application are claims 1, 7-18, 2, 6, 19, and 20, of which claims 1, 2, 19, and 20 are independent.

Applicant requests an appropriate extension of time pursuant to Rule 1.136(a). Please charge the extension fee to our deposit account listed below.

Applicant : Todd A. Newville
Serial No. : 09/843,536
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Attorney's Docket No.: 09651-014001

No additional fees are believed to be due in connection with the filing of this response.
however, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit
account 06-1050.

Respectfully submitted,

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